

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 8-13 were previously cancelled.

Claims 1, 14 and 20 are currently being amended.

Claims 26-29 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-7 and 14-29 are now pending in this application.

Claims 1-7 and 14-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Biber (U.S. 6,960,012).

Claim 1 is in independent form. Independent claim 1 (as amended) now recites a system for holding and mixing “paint containers” and includes, with other components, a first paint container and a second paint container of a different size in which the platform supports the second container, “from below the second container, wherein the plate applies pressure to the first and second container during a single mixing operation”. Support for this amendment can be found in paragraph 0019 and Figures 4 and 5 of the present application as originally filed.

A mixing system in which the platform is placed below a second container (where there are at least two different size containers) and with the plate in the holder configured to apply pressure to both the first and second containers during a single mixing operation as required by independent claim 1 (as amended) is not disclosed, taught or suggested by Biber. The system of Biber discloses placing an odd sized shaped container (for example 150) into a

five gallon bucket (170) with a top insert (168) and a base insert (166) securing the container (150) in the conventional five gallon paint bucket (170) as shown in Figures 2 and 16. As illustrated in Figures 1 and 16, the plate of Biber (78) and the clamp (76) will not contact or engage the container (150) secured inside the five gallon bucket (170). It is only (170) that is secured in the clamp (76) of Biber. The container (170) of Biber is not like and does not function as the platform (30) disclosed and claimed in the present application.

Accordingly, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of independent claim 1, as amended, and dependent claims 2-7 as they depend from independent claim 1.

Claim 14, is in independent form. Independent claim 14 (as amended) recites similar language to that described in independent claim 1 above.

The Applicant's remarks with respect to independent claim 1 are also applicable to independent claim 14, as amended.

Accordingly, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of independent claim 14, as amended, and dependent claims 15-19 as they depend from independent claim 14.

Claim 20, is in independent form. Independent claim 20 (as amended) recites similar language to that described in independent claim 1 above.

The Applicant's remarks with respect to independent claim 1 are also applicable to independent claim 20, as amended.

Accordingly, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of independent claim 20, as amended, and dependent claims 21-25 as they depend from independent claim 20.

The applicant has added a new independent claim 26 and dependent claim 27 and new independent claim 28 and dependent claim 29 to provide claims of varying scope. The applicant believes new claims 26-29 recite a combination of subject matter that is allowable

in view of the cited references. Accordingly, the applicant respectfully requests allowance of new claims 26-29.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 11-22-06

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5772
Facsimile: (414) 297-4900

By James A. Wilke

James A. Wilke
Attorney for Applicant
Registration No. 34,279